

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, October 6, 2008 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, Newland, NC.

Members Present: Kenny Poteat, Chairman; Susan Pittman, Vice-Chair; Phyllis Forbes; Scott Heath

Members Absent: Dan South

Call To Order

Chairman Poteat called the meeting to order at 3:33 p.m.

Chairman Poteat offered prayer.

Public Comments

Junior Sluder thanked the Board for working on the monitor system for the 911 system to help Green Valley get a lower fire rating and hopefully help the other fire departments get a lower fire rating. Mr. Sluder stated that he had discussed with Robert Wiseman, County Manager, that if a situation came up with a shortage of fuel what the plan for the County is to have fuel for emergency services. Chairman Poteat questioned if Newland Fire Department kept a supply of gasoline in a storage tank. Mr. Sluder answered that the Newland Fire Department did not have a fuel storage tank but bought from private vendors.

Board Appointments

Fire Commission Vacancy – Reappointment of Mr. Joe Perry

Chairman Poteat stated that the two year term of Mr. Joe Perry had expired from the Avery Fire Commission and Mr. Perry had expressed his desire to remain on the Avery Fire Commission. Chairman Poteat advised that the Fire Commission had recommended the reappointment of Joe Perry to a second two year term ending August 2010.

Motion by Scott Heath and second by Susan Pittman to reappoint Joe Perry to the Avery Fire Commission for a two year term ending August 2010. Motion unanimously approved with those in attendance (3-0).

Fire Commission Vacancy – Michael Johnson resignation

The County Manager stated that Mr. Michael Johnson, who was a fire association appointee that was approved by the Board of Commissioners, had resigned from the Avery Fire Commission due to personal obligations. The Fire Association submitted the name of Gary Redding to fill that vacancy but pursuant to that the Fire Commission issued a letter which stated: “At a Fire Commission meeting October 2, 2008, the current members of the board had cause to review the Commission’s Policy Manual. In doing so, we realize that there are items which are vague and require clarification. We would, therefore, like to request that the items be reviewed and more clearly defined in order to establish further clarification and direction for future procedures and decisions. The Fire Commission presently has an empty seat on the Board due to the recent resignation of Michael Johnson. We have asked the Fire Association to recommend a person for this position and bring their recommendation to our next Fire Commission meeting which will be Thursday, October 9th. The Commission will then submit their request along with any request and/or comments to the Board of Commissioners for final approval at the October 20th meeting.”

Scott Heath advised it was certainly understandable in Michael Johnson’s case that he would not have time to commit to the Fire Commission as he was starting a new business and had a family to support. Chairman Poteat stated that the Board appreciated Michael Johnson’s willingness to serve on the Fire Commission.

Susan Pittman said that she had planned on coming to the Fire Commission meeting on Thursday, October 9 but had other obligations but wanted to talk to the Fire Commission about a full time employee at the Frank Fire Department to help lower the rating in the Frank Community. Ms. Pittman stated that Frank was in a centralized location and that the full time employee could help out other fire departments also.

Chairman Poteat asked Daryl Smith the compensation of the Fire Commission. Mr. Smith answered that there are 2 members that are Fire Association, 2 members that are layman appointed by the Board of Commissioners and 1 that is recommended by the Fire Commission.

Junior Sluder stated that this is the first time that the Fire Association has heard of reporting to the Fire Commission about an appointee before coming to the Board. Mr. Sluder said that the Fire Association came straight to the Board of Commissioners with Shane Garland as an appointee and he was approved.

Mr. Sluder stated that the Fire Association was not advised of the October 2 meeting of the Fire Commission and in the bylaws the public was supposed to be notified. Mr. Sluder explained that the bylaws for the commission were vague regarding vacancy but the bylaws stated that the Fire Commission shall fill any vacancy within 30 days if the person was an officer. Mr. Sluder stated that he could not find anywhere that Michael Johnson was an officer. Daryl Smith advised that Michael Johnson was the secretary and did hold that office.

Chairman Poteat advised the Fire Association and Fire Commission bylaws be submitted to Michaelle Poore, County Attorney, for her recommendation on how to handle this situation with the appointment to the Fire Commission. Junior Sluder stated nothing was posted about the October 2 meeting and that it plainly says in the opening meetings law that the meeting would be posted. Daryl Smith advised that the meeting was posted on the bulletin board.

Tax Collector Report – Mary Daniels

The total collections for the month of September 2008 were \$1,196,170.52.

Motion by Susan Pittman and second by Scott Heath to approve the Tax Collector's Report for the month of September 2008 as presented. Motion unanimously approved with those in attendance (3-0).

Tax Assessor Report – Phillip Barrier

Real and Personal Releases

The Real and Personal Releases for September 2008 are County Tax Release \$987.96; Fire Tax Release \$101.25; and Late-List Penalty \$63.75.

Motion by Susan Pittman and second by Scott Heath to adopt the Real and Personal Releases for September 2008 as presented.

Susan Pittman stated that she liked the new reports that Mr. Barrier was sending the Board.

Motion unanimously approved with those in attendance (3-0).

Real and Personal Refunds

The Real and Personal Refunds for the month of September 2008 are County Tax \$297.09; Fire Tax \$30.63.

Motion by Scott Heath and second by Susan Pittman to approve the Real and Personal Refunds for September 2008 as presented. Motion unanimously approved with those in attendance (3-0).

Motor Vehicle Releases

The Motor Vehicle Releases for the month of September 2008 are County Tax Release \$176.26; Fire Tax Release \$19.01 and City Tax Release \$13.99 (Crossnore and Banner Elk).

Motion by Susan Pittman and second by Scott Heath to approve the Motor Vehicle Releases for the month of September 2008 as presented. Motion unanimously approved with those in attendance (3-0).

Phillip Barrier stated that the Tax Assessor's Office was working toward the goal of a 2010 revaluation. He stated that the real estate markets have dropped and are experiencing this in Avery County. Mr. Barrier advised that he was keeping a watch on the sales and giving the County Manager a weekly report of the County sales. Chairman Poteat stated it was fairly unprecedented that things are selling for less than the tax value. The Tax Assessor reported that bills had been sent to the public utility companies in the amount of \$128,000 for taxes.

Avery, Mitchell, Yancey Library (AMY Library) – Daniel Barron

Dr. Daniel Barron, Director of AMY Regional Library, thanked the Board for the continued support for the Avery-Morrison Library. Dr. Barron reported that AMY Regional Library has the 2nd highest circulation per capita of the 16 regional libraries in the state; 3rd largest bookmobile collection; ranked 15th in terms of costs per circulation and visits per capita; and ranked 16th in local per capita funding. Dr. Barron explained that AMY Library is beginning work with the Employment Security Commission to become a JobLink Access; and beginning work with Teen Advisory Group and Avery High for a Book Club. Dr. Barron explained that the major goals for AMY Library is to repair the chimney and back wall; renovate restrooms and foyer; replace microform reader; repair roof leak; and increase use of JobLink, Juvenile materials and programming for teens. Dr. Barron stated that in the Bookmobile circulation the number of

trips had been reduced but increased the number of people served because of going to childcare centers, etc. Dr. Barron advised that six new computers would be placed in the AMY Regional Library system this year and the old computers would be refurbished and given to organizations or families that need a computer. Dr. Barron stated that for every dollar that is put in to the AMY Library system that actually eight dollars is given back in terms of service.

Scott Heath questioned if the funding for the three counties is equally split. Dr. Barron stated that the town of Spruce Pine budgets for the library in Spruce Pine also and that each entities' contribution is fair.

Chairman Poteat stated that in all his 14 years of service he has not seen statistics with funding compared to other counties across the State and once these statistics are shared with all entities he certainly thinks it would be appropriate to sit down with other entities and try to improve the amount of funding.

Subdivision Approval – Wilderness Trail Sporting Club – Loretta Smith

Loretta Smith, Ordinance Administrator, presented the final approval for the Wilderness Trail Sporting Club. The overall project of Wilderness Trail is 952 acres of which the Sporting Club and Cottages will cover approximately 15 acres. The Wilderness Trail Sporting Club will consist of a Sporting Club with tennis courts, pool, climbing wall, massage therapy, meeting rooms and 25 cottages. The minimum size of the lots for the cottages is 0.147 acre and the maximum size is 0.422 acre. This project will have water and sewer provided by the Town of Newland and the main entrance will be located on Hickory Nut Gap Road. The Sedimentation and Erosion plan was approved on September 25, 2008, stated Ms. Smith. Chairman Poteat asked why the minimum size of the lots was only 0.147 acre. Tommy Burleson, Director of Inspections, stated that this application for Wilderness Trail was submitted before July 7, 2006 when the ordinance was changed to $\frac{3}{4}$ of an acre. Chairman Poteat questioned if this was the first time of signing off for Wilderness Trail. Tommy Burleson advised that two phases of Wilderness Trail had already been approved by the Board. Discussion regarding the amenities included at the Wilderness Trail Sporting Club. Chairman Poteat advised that this was already approved by the Planning Board and signed off by the Chairman of the Planning Board, Mike Lacey.

Motion by Susan Pittman and second by Scott Heath to approve the subdivision Wilderness Trail Sporting Club and Cottages. Motion unanimously approved with those in attendance (3-0).

Three minute recess. 4:38 p.m.

Reconvene at 4:41 p.m.

Tommy Burleson introduced the new part-time employee for the Economic Development Commission, Christy Cook.

Phyllis Forbes entered the meeting at 5:15 p.m.

County Manager Report – Robert Wiseman

Monitoring system

Robert Wiseman, County Manager, advised that the monitoring system for E911 will not only help the rating at Green Valley Fire Department but will help the entire county including EMS, Sheriff, etc. Avery County and the Avery Fire Commission will split the expense which will not exceed \$20,000. The County Manager stated that everything had been ordered and should be here within 7 days and that this would be of great help for the dependability of the communication system. The County Manager advised that this would not require a budget amendment.

Rabies Action Team

The County Manager stated that Jesse Greene, Toe River Health District Director, had the draft of the bylaws of the Rabies Action Team and was hopefully putting the final touches of the document which would take place of the grievance committee for the "Dangerous Dogs".

Memorandum of Understanding for Nonprofits

The County Manager advised that the County Attorney had come up with a very clear and concise document and by consensus of the Board or by vote, the County Manager would execute the agreements between the Non-profits and the County.

Adopted Memorandum of Understanding for Nonprofits by Consensus of the Board.

Recreation Property

The County Manager stated that he was asked in a previous meeting to evaluate the status of the recreation property which is ongoing at this time. High Country Council of Government, interns from ASU and the staff from the Recreation Department are investigating the best use for the property.

Fire Coordinator

The County Manager advised that interviewing was in process for the Fire Coordinator and a decision would be made before November 1, 2008. The County Manager said that David Charles Vance had agreed for the Fire Coordinator using the office of the Assistant Fire Marshall until July, 2009. Susan Pittman questioned who the assistant Fire Marshall would be. The County Manager stated that this position would be vacant until July 1, 2009 and then that position would be reconsidered for funding.

Waiving of Inspection Fee

The County Manager reported that he had asked the Inspections Department to waive until further notice the inspection fees for the Humane Society building permit. The Humane Society is in the process of renovating the brick structure on Vale Road for the purpose of turning it into a thrift shop to raise money for the Humane Society, said the County Manager. This would be approximately \$250.00.

By Consensus of the Board, the Inspection Fees will be waived for the Humane Society project for renovating the brick structure on Vale Road.

Banner Elk Day Care and Puckett Property

The County Manager stated that he had some figures from the Tax Assessor's Office as far as the value of Banner Elk Day Care and the Puckett Property and that these needed to be declared as surplus by motion of the Board and that will allow the County Manager and the County Attorney to take whatever action is necessary to offer these properties for sale. Phyllis Forbes said she felt like the Puckett Property would be a great place for a Hospice House and would serve a lot of people. Chairman Poteat advised that just because the property was declared surplus did not mean that it would have to be sold.

Motion by Scott Heath and second by Phyllis Forbes to declare the Banner Elk Day Care and the Puckett Property as surplus. Motion unanimously approved by those in attendance.

Emergency Medical Services

The County Manager reported that the Avery County Emergency Medical Services is charging less in about four categories than Medicare reimbursement. The County Manager advised that according to Jerry Turbyfill's report that this increase in the EMS Services would bring in around \$27,000 dollars extra a year which would go toward some of the increased expenses in fuel costs. Chairman Poteat said that we are losing money in this situation. The County Manager stated that Avery County has been very benevolent with the EMS services. For example, EMS rolls no matter what and sometimes there are occasions where EMS gets to the location and then the patient decides the service is not needed which is very expensive, said the County Manager. Chairman Poteat questioned the County Manager if there were policies in place to protect the indigent citizens. The County Manager answered that there were policies in place to protect the indigent citizens. Chairman Poteat recommended that the current mileage be left at \$9.00; ALS Non-Emergency increase to \$233.49; ALS Level I increase to \$369.69; BLS Non-Emergency be left at \$215.00; BLS Emergency increase to \$311.32; and ALS Level II increase to \$535.08. Chairman Poteat stated if there is another increase in January 2009 then that should be addressed at that time and not build in an increase. Scott Heath asked even if the rates are increased if this would be a money making deal for the County. The County Manager advised that there is not money being made here.

By Consensus of the Board, fee increases for Avery EMS adopted.

NC Community College System Tentative Approval for Capital Improvement/Multipurpose Facility

The County Manager stated that Tim Greene, Finance Officer and the County Manager looked over the tentative proposal for Mayland Community College and to recap this is a proposal for a multipurpose building about 36,000 square feet and what is in front of the Board is an application for roughly 9.3 million dollars in funding which would build the facility. The 9.3 million includes no county funding according to Dr. Suzanne Owens. This application, if it has tentative approval, would generate about \$35,000 for planning the facility and \$90,000 to design it and at that point in time it would be up to the individual counties to approve an equal amount to fund the maintenance and operation of the facility which according to the proposal is a little less than \$90,000 per year per County. The problem that Tim and I had with this was committing \$90,000 and Dr. Owens stated that the other counties had some concerns with this also, stated the County Manager. The County Manager said that he didn't think it was legal for this Board to make a commitment for a Board in 2010. The County Manager advised that Dr. Owens was in agreement to revisit this issue and that it would be good to hear what the other counties decided regarding the proposal.

Recreation Property (Wright Property)- Robbie Willis

Robbie Willis, Recreation Director, stated that the Recreation Department was working with Kelly Coffey, Regional Planner with the High Country Council of Government, to prepare a long term plan and design.

The plan will incorporate a survey that Appalachian State University will be mailing to about 1800 Avery County Residents. Mr. Willis reported that hopefully around early spring the Recreation Department will have open planning and public meetings at fire departments in the counties to get the citizens input. Discussion regarding the uses of the recreation property.

Michaelle Poore, County Attorney, stated that she needed a Resolution from the Board authorizing the County Manager, Finance Officer, or Recreation Director to sign in the appropriate places on the reimbursement request for the PARTF grant for the recreation property.

Green Valley Community Center and Property

Robbie Willis advised that on September 25, 2008 he and Luann Bryan, Recreations Resource Consultant, went to the Green Valley Community meeting. Mr. Willis stated that Green Valley has a 54 year old community center with 6 acres located by Toe River in Green Valley and at that meeting and over the summer a group came before that Board wanting that property as a botanical garden but in the 1954 documents when the property was drawn up it was to be used as a “playground for children” and that board voted unanimously to give the Avery County Recreation Department all the buildings and the property for free. Mr. Willis explained that he met with Luann Bryan and that a waiver approval would be needed before the Recreation department can accept the deed for the property in Green Valley and after the waiver approval then application for grants could be submitted. Mr. Willis stated that if the Board chooses to approve the waiver then at the next meeting, the Board can accept the deed to the property at Green Valley. Chairman Poteat explained that the Board had started out the meeting talking about uncertain economic times facing our Nation and one of the concerns would be sustaining this property and maintenance on the property even though this property is being given to the Recreations Department. Susan Pittman stated that she felt the County should take this property. Discussion regarding the upkeep of the property. Robbie Willis advised that the expenses for upkeep of the building and maintenance were \$2200 to \$2400 per year. Michaelle Poore advised that a waiver allows the County to skip taking title first of the property and then apply for the grant. Scott Heath questioned if the County gets the waiver and applies for the grant and accepts the property but does not get the grant the County would still have the property but would have the annual maintenance on the property. Robbie Willis advised there was money in the Recreations Department budget for the maintenance and some repairs at Green Valley already. Scott Heath stated that since there are user fees to help offset some of the maintenance fees that he would be in favor of accepting this property but would not be in favor of any major investment.

Motion by Susan Pittman and second by Phyllis Forbes to seek the waiver on the PARTF grant contingent upon the perusal of the County Attorney. Motion unanimously approved with those in attendance (4-0).

Finance Officer Report – Tim Greene

Tim Greene, Finance Officer, reported that the EMS fees in 2007/2008 were \$600,000 in revenues and for the 2008/2009 budget was over \$1,600,000. The Finance Officer presented the monthly Finance office report.

Budget Amendment # A09-10

The Senior Center has received \$4,200.00 from the NC Department of Insurance to be used for counseling Medicare recipients.

Motion by Susan Pittman and second by Phyllis Forbes to approve a Budget Amendment in the amount of \$4200.00 Debit (Salaries-105960.0210-\$2,280.00; FICA-Admin.-105960.0500-\$175.00; Travel-105960.1400-\$249.00; Advertising-105960.2600-\$709.00; Grant Supplies-105960.3301-\$487.00; Supplies Food-105960.4700-\$300.00) and \$4200.00 credit (103671.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment # A09-11

The Avery County Sheriff's Department has received a \$5,000.00 grant from The National Association of Drug Diversion Investigators, Inc. to use for enforcement and/or education of prescription drug abuse. This is a 100% grant.

Motion by Phyllis Forbes and second by Scott Heath to approve a Budget Amendment in the amount of \$5,000.00 Debit (Drug Fund-105100.5701) and \$5,000.00 Credit (Drug Fund-103514.0000) from The National Association of Drug Diversion Investigators. Motion unanimously approved with those in attendance (4-0).

No action was taken on the Budget Amendment for the Avery County Sheriff's Department from a \$7,100 grant received from The United States Department of Justice for bullet proof vests. This issue will be brought up at a later meeting after further review.

Budget Amendment #A09-12

The NC Department of Corrections has increased the Criminal Justice Partnership Program (CJJP) grant an additional \$1,404 bringing the total to \$51,254 for fiscal year 2008-2009. The additional increase will be used for operational expenses.

Motion by Scott Heath and second by Susan Pittman to approve the Budget Amendment in the amount of \$1,404.00 Debit (NC DOC (CJJP) Program-105950.3490) and \$1,404.00 Credit (NC DOC (CJJP) Revenue-103901.0000). Motion unanimously approved with those in attendance (4-0).

County Attorney Report –Michaelle Poore

Michaelle Poore, County Attorney, advised that the Board needed to approve a Resolution on the PARTF grant to authorize the County Manager, Parks and Recreation Director, or Finance Officer to sign the grant reimbursement request.

Motion by Susan Pittman and second by Scott Heath to approve the Resolution to authorize the County Manager, Parks and Recreation Director or Finance Officer to sign the grant reimbursement request. Motion unanimously approved with those in attendance (4-0).

Approval of Minutes

Motion by Phyllis Forbes and second by Susan Pittman to approve the Regular Session minutes for September 2, 2008 and Secondary Road Meeting on September 15, 2008. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items

Chairman Poteat asked the Clerk to send a copy of the letter to Mr. and Mrs. Jaynes regarding the investigation by the state of North Carolina at the Linville intersection.

Agenda Consent Items adopted by Consensus of the Board.

Upcoming Meetings

Chairman Poteat announced that Dan South would be at the meeting October 20, 2008. Chairman Poteat reminded everyone that beginning in November there would be one meeting a month per Board policy.

Adjourn

Motion by Phyllis Forbes and second by Scott Heath to adjourn this meeting at 6:10 p.m. Motion unanimously approved with those in attendance (4-0).

**Kenny Poteat, Chairman
Avery County Board of Commissioners**

ATTEST:_____

Cindy Turbyfill, Clerk